

# ARIZONA MINER.



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## Arizona Miner.

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Commissioner of Deeds for the State of California,  
PRESCOTT, ARIZONA.  
Office on Cortez Street, fronting the plaza. 36m

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THE BAR will be furnished with the best of liquors. For proof, call and see. DOC & JOE.

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WM. H. HARDY.

Prescott, Arizona, Dec. 19, 1865. 137m

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together with a general assortment of

GROCERIES AND PROVISIONS.

FOR SALE CHEAP AT THE

CASH STORE.

Prescott, January 20, 1866. 21f

### OSBORN'S HOTEL.

REOPENED.

WARD BY THE DAY OR WEEK.

ROOMS WITH OR WITHOUT BOARD.

Prescott, Arizona, Aug. 22, 1866. 15

### GOVERNOR'S MESSAGE.

Gentlemen of the Third Legislative Assembly:

It is less than a year since the final adjournment of the Second Legislative Assembly, and yet the interests of our growing Territory are such as to warrant, if not to demand, your meeting, and to suggest for your consideration various important questions. I addressed your immediate predecessors as the Acting Governor, and having since been appointed and confirmed as Governor, I am more eager than ever to aid, to the extent of my ability, in hastening the development of the rich resources of the Territory, in which my faith has never been shaken. It is my hope that in my new and responsible capacity I shall enjoy the confidence of the people, and of their representatives, as fully as I have in the past. With the information of the condition of the Territory, and the suggestions I now make to you, under the requirement of the law, allow me to express my desire fully to co-operate with you in perfecting whatever measures your wisdom may devise for the public welfare. The returns of the census, carefully taken in April and May last, show a considerable increase in the population of the Territory, and our advance in material progress upon a substantial basis. Labor finds abundant employment and remunerative reward, social order prevails among our people, and the laws are obeyed with promptness and good feeling.

The reports of the Territorial officers will doubtless command your attentive examination, and form the basis of your legislation, which should be perfected without haste, and with a due regard to the interests of all your constituents. The passage by one House of Congress (at the recent session) of an act intended to make null and void all special legislation in the Territories, is an indication that if not already prohibited, such legislation soon may be; and while I do not agree with those who insist that it is never advantageous, I venture to repeat to you the language of my message to the second Assembly: "The objects sought to be reached by a special act fall manifestly within the scope of some general law already existing, or which might be passed, it is, in my opinion, the duty of the Legislature, in the one case, to leave them to be accomplished under the existing statute, and in the other, to devise a general law meeting the case in question, and all others of a similar character." It has been the practice of your predecessors to provide that nearly every law, both general and special, "shall take effect from and after its passage." Weeks, and perhaps months, must necessarily elapse before the laws can all be printed and distributed throughout the Territory, and the consequence is that the people are required to respect and obey laws which they have had no opportunity to see or understand. I would suggest the propriety of having all laws take effect at some fixed day after the close of the session. If it be deemed important that any should take effect immediately after their passage, a provision might be made for the publication of such in slips. The justice and propriety of this view cannot fail to commend it to your approval.

As the general government tenaciously adheres to its decision to make no allowance for printing the laws in Spanish, I submit to you the propriety of providing for the same. I am aware that this printing will be expensive, but it is asked for by a large and influential part of our tax paying population, and the demand is certainly a most reasonable one.

### Finance.

The total Territorial indebtedness, as audited to this time, amounts to twenty-one thousand and fifty-one dollars and forty-one cents, (\$21,051.41) and there is a balance of two hundred and forty-nine dollars and fifty cents (\$249.50) in the treasury to the credit of the general fund. Of this indebtedness, fifteen thousand five hundred and ninety dollars (\$15,590) are payable in gold, being the amount of bonds (and interest on the same to January 4, 1867) issued under the act of the First Assembly, approved November 9, 1864, and entitled "an act to provide for the contingent expenses of the Territorial Government." In view of the fact that until the present year but two of the counties were fully organized, and that now, although all contribute to the revenue, the total receipts, owing to the limited amount of taxable property in the Territory, are small, this is no more than a reasonable debt. Compared with that of neighboring Territories, containing a larger population and far better sources of revenue, it is insignificant, and will be complained of only by those singular individuals who expect the wheels of government to move without cost.

Still I would advise, that no expenditure of the Territorial funds, however earnestly it may be asked, or necessary it may seem, be authorized by your honorable bodies, without the most careful consideration; and if you can impress upon the counties the importance of economy in their affairs, it will be well to do so. In the matter of promptly and thoroughly collecting the revenue they should be urged to increased vigilance, not only for their own benefit but for that of the Territory at large.

Some seven thousand (\$7,000) dollars of the gold bonds before referred to, will become due in a little more than a year from this date, and although another Legislature may meet before that time, it is not too early to make provision to insure their payment, and thus to sustain the Territorial credit.

There is a balance of about five hundred (\$500) dollars in the Treasury from the special fund created by the sale of Territorial mining claims, which I would suggest be assigned to the general fund; also that all further receipts from such sales be so disposed of.

The Treasury Department having made the Territory an internal revenue district, and appointed an assessor and collector, we may soon expect to be called upon to contribute directly to the national revenue. I had hoped, in view of our comparatively small population, and the drawbacks, with which we have to contend, that we should escape other than Territorial taxation for the present. But it becomes us, as loyal citizens of the great Republic, cheerfully to do our part, however humble it may be, towards cancelling the sacred debt incurred in preserving the national integrity.

### The Mines.

If there is less excitement over our mining interests there is more confidence in their excellence, and a strengthened belief that their development will surprise the world. Ten quartz mills will have been erected in this county alone before the close of the present year. These already in operation afford a gratifying evidence of the value of the gold ores, and as the lodes are sunk upon they show permanence and size. The appearance of sulphurets and refractory elements at a certain depth may involve the necessity of more elaborate machinery, but no obstacles will I think be sufficient to hamper the enterprise of our miners, who depending more upon their own energies and capital than upon help from abroad, are determined to know no such word as fail.

The rare advantages of wood, water and climate are more than sufficient to offset the costs of living and the heavy expense of transporting machinery here, and I believe, as I have often asserted, that there are few localities upon the Pacific coast where quartz mining may be so economically, agreeable and profitably pursued.

These of the silver mines below the Gila, and on the Colorado, that are judiciously worked, with scarcely an exception, show great wealth and fully maintain the traditional reports of the metallic opulence of the country.

The considerable capital now devoted to the development of the copper lodes on the Colorado and Williams Fork is but an earnest of that which this important work will soon command. The uniform richness of the ore, the quantity of the same, and the facilities for its extraction and shipment combine to make the mines among the most desirable of the kind upon the continent.

### Mining Laws.

The act of Congress to legalize the occupation of mineral lands, and to extend the rights of pre-emption thereto, adopted at the late session, preserves all that is best in the system created by miners themselves, and saves all vested rights under that system, while offering a permanent title to all who desire it, at a merely nominal cost. It is a more equitable and practicable measure than the people of the mineral districts had supposed Congress would adopt; and credit for its liberal and acceptable provisions is largely due to the influence of the representatives from the Pacific coast, including our own intelligent delegate. While it is not without defects, as a basis of legislation, it is highly promising, and must lead to stability and method, and so inspire increased confidence and zeal in quartz mining.

As, in the absence of necessary legislation by Congress, the act gives authority to the Legislature of any State or Territory to provide rules for the location and working of mines to their complete development, it will be your duty to prepare such rules, either by amending the present mining law of the Territory, so as to conform to the law of Congress, or by its repeal, and the substitution of an entirely new statute. Whatever your preference in this particular, I would suggest that care be taken to make the required rules as intelligible and comprehensive as possible, and that the recording and preservation of titles, both for the security of the miner and the capitalist, and to obviate future litigation, be entrusted only to the most responsible officers. It is also important that excepting in districts where active hostility on the part of the Indians absolutely prevents, the actual occupation and improvement of claims be made a requisite to their possession unless pre-empted under the Congressional law. The lack of such a requirement hitherto has seriously retarded the development of our mineral resources and the general prosperity of the Territory, and proven discouraging to new comers, especially in the counties on the Colorado river, where hundreds of lodes, taken up in years past, by parties now absent from the Territory, are unworked, and yet, under the existing law, no one has a right to lay claim to them, be he ever so able or anxious to open them.

### Agriculture.

The valleys of the Territory, more extensively cultivated this year than ever before, have produced an abundant harvest. The yield of corn, vegetables and small grains, is such as to prove that henceforth we need not look abroad for food; and I make no doubt that if assured that their crops will be bought and promptly paid for, and they are properly protected from Indian incursions, our ranchmen will, during the ensuing year, by the favor of heaven, raise all the breadstuffs that may be required to sustain the military force in the Territory. Here in Central Arizona, even in the mountain districts, where comparatively little was expected in the way of agricultural success, the pursuit of the husbandman is likely to be one of the most profitable. The heavy rains of the present season indicate that irrigation will seldom be necessary, and the fertility of the soil is remarkable. It seems as though every thing planted attained the most luxuriant and complete growth in the shortest possible time. The grains, vegetables and melons, taken promiscuously from any of the ranches, and raised without fertilization of any kind, or other than the simplest care would command a premium if placed in competition with the products of the richest and most expensive farms and gardens of the Atlantic States.

### Surveying.

Learning that authority had been given by the general land office to begin surveying in Arizona, I addressed a letter to Surveyor General Clark, of the district embracing New Mexico and Arizona, whose office is at Santa Fe, inquiring how soon he intended to commence operations. He has just replied that there is now no impediment in the way but the hostility of the Indians, and the consequent danger which a surveying party, without military protection, would be subject to. This I have advised him is, at many points, not of a serious character, and it is my hope that his deputies will be in the field within the present year.

The monument erected in 1851 by the Mexican boundary commission, at the junction of the Gila and Salt rivers, will be the initial point for the meridian of the Territory. The land office having failed to recommend the appropriation requested by General Clark to enable him to carry out his whole plan of surveying, he informs me that he will not complete all the standard lines that he had

proposed, but retain a part of the money heretofore appropriated, for the purpose of extending the public surveys over the agricultural lands within and adjacent to the settlements.

The people of the Territories, and especially those of this surveying district, are indebted to General Clark and the delegates from New Mexico and Arizona, for the vigor with which they urged to success, the bills before Congress, at its recent session, for a change in the system of surveying in the Territories, so as to make it conform to the wants of the country; and permitting persons who reside in settlements to a pre-emption or homestead right to the lands cultivated by them in the vicinity of such settlements. The fact that none but the irrigable lands can be cultivated in some parts of Arizona, makes the former act, which allows of surveys in an irregular form, one of great importance to our people; and the latter measure, in view of the risk which must be incurred in living away from the settlements, while the Indians are unfriendly, is an act of simple justice to the pioneer.

### Land District.

By the seventh section of the act of Congress, approved July 22, 1854, the pre-emption privilege was extended to lands, whether settled upon before or after survey, within the region of country comprehended by the present Territories of New Mexico and Arizona. Hitherto, pre-emption declarations, in virtue of this act, and that of July 2, 1864, have been filed with the Surveyor General, but Congress having made Arizona a land district, they will, so soon as the district is organized, be received here.

The Congressional mining law provides that whenever, prior to the passage of the act, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, copper or other minerals, the said settlers or owners of such homesteads shall have a right of pre-emption thereto, in quantity not to exceed 160 acres; or said parties may avail themselves of the provisions of the homestead act of Congress, approved May 20, 1862. It further provides that upon the survey of the so-called mineral lands, the Secretary of the Interior may designate and set apart such portions of such lands as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

This favorable action, and the establishment of a land office, whereby all delay in perfecting titles will be obviated, must encourage our people in the cultivation of lands in immediate proximity to the mines—a matter of the first importance to the prosperity of our mining interests.

### Mails.

No one of the Territories has suffered so greatly as Arizona for the want of proper mail facilities. After much persistent effort the government was induced to authorize (in 1864) the establishment of several important routes, but to this time the service has been but irregularly performed. The first contractor whose control fortunately expired on the 30th of June last, so deliberately disregarded the requirements of his contract, and the convenience of the people that the service was a mere burlesque and provocation.

The present contractors apparently have more respect for their obligations, and adequate business capacity, but they must not expect the public to be content with anything less than a prompt and entire performance of the duties they have undertaken.

The hostile savage is scarcely more inimical to the progress and prosperity of a new country than the mail contractor who by his faithlessness interrupts the business and social intercourse of the people and deprives them of their only means of correspondence with the outer world. It may be well for you formally to call the attention of the Postoffice Department to the importance of seeing that those to whom contracts for mail service in the Territory are awarded are not allowed, under any pretext, to evade full compliance with the law. The exacting that have been offered for the non-performance of service hitherto are unworthy the attention of the Department. The allegation that the attitude of the Indians has at any time been such as to endanger the safety of mail carriers, well mounted and armed and familiar with the country, you know to be incorrect. It would be better on many accounts, if the contracts were given to our own deserving and responsible citizens, but the parties holding them if they are willing to exercise ordinary prudence and enterprise and to pay liberally as they go, will not encounter any serious obstacles to their performance even should they secure no military protection whatever.

The route from Great Salt Lake City via St. George to Hardyville, let under the new contracts, is highly advantageous to northern and central Arizona, on account of the eastern connection, by which letters from New York and Washington are received in thirty days, a much shorter time than by San Francisco.

The extension of mail service from Prescott to the Rio Grande is much needed not only in view of our relations with New Mexico, but for the most direct and speedy communication with the Atlantic states. The route is practicable at all seasons, despite all reports to the contrary, and in connection with that from San Bernardino to Prescott would form one of the shortest from the Pacific to the Rio Grande. The citizens of La Paz, our largest town upon the Colorado, complain with reason, that while they live upon the shortest and one of the best highways from California to Prescott they are left without mail facilities except by a circuitous route. The people of Pima county ardently desire the re-establishment of service upon the old Southern or Butterfield route, acknowledged to be one of the best across the continent; and a route from Fort Yuma to La Paz is called for.

Your active interest in all that concerns your constituents will prompt you to use your influence with Congress and the Post Office Department for the provision of this additional service, which is really necessary

to the public accommodation and must prove largely beneficial to the Territory.

### Stages and Roads.

I am ashamed to say that to this day there is not a stage coach running in Arizona, although the Territory has been organized nearly three years. Lines from Wilmington and San Diego to Fort Yuma, and from San Bernardino to Hardyville have lately been established. Connecting lines to Tucson, La Paz, Prescott and the Rio Grande should be provided by some of our enterprising citizens without delay. They might not prove profitable at the start, but would soon become so; and as I suggested to the second Assembly, thousands of persons both in the East and in the West, eager to visit our mines, and to examine our country, are prevented doing so by the great cost of private transportation. Until well conducted lines of coaches are established, we cannot look for a great increase of population, however tempting our mineral wealth.

A large proportion of our roads are already fitted for easy and rapid travel, and for the outlay necessary to make others so, where private or Territorial means are insufficient, it cannot be amiss to petition Congress, inasmuch as no appropriation for such purpose has ever been made to Arizona; while the other Territories (I think without exception) have received liberal aid.

The national House of Representatives has passed a bill granting to any person who sinks an artesian well on the line of any mail route in New Mexico, Arizona, or the Colorado desert, a grant of six hundred and forty acres of land, including the well itself. This well, however, must be not less than ten miles from any other well—or stream—must be tested with a three years' flow, and water must be dispensed free to all travellers. The bill will doubtless be passed by the Senate.

### Court Houses and Jails.

With the increase of population the ends of justice demand the provision of permanent accommodations for the courts, and places of confinement for criminals in each county, although large or expensive buildings are not yet needed. Under chapter XII of the Code, until a Territorial prison is erected, the jail of any county may, for all purposes, be considered and used as such. The Territorial auditors, who under the same chapter, are authorized to make rules and regulations relative to the care, management, discipline, and employment of persons sentenced to the Territorial prison, in their annual report strongly urge that the use of guard houses for jails, as is the present custom, is not only distasteful to the military, but highly inconvenient and unsatisfactory to the sheriffs. A bill, setting aside certain proceeds from the internal revenue for the erection of penitentiaries in the Territories, was passed by the House of Representatives at the recent session of Congress, but lost in the Senate through a want of time for its consideration. With the erection of county jails, which it will be poor economy to delay, there will be no immediate necessity for a Territorial prison.

### Pah-Ute County.

I have learned (officially) that by an act approved on the fifth day of May last, Congress added to and made a part of the state of Nevada, "all that extent of Territory lying within the following boundaries, to wit: commencing on the thirty-seventh degree of north latitude, at the thirty-seventh degree of longitude west from Washington; and running thence south on said degree of longitude to the middle of the river Colorado of the west; thence down the middle of said river to the eastern boundary of California; thence north westerly along said boundary of California to the thirty-seventh degree of north latitude; and thence east along said degree of latitude to the point of beginning."

Provided, however, that the Territory mentioned should not become a part of the state of Nevada until said state should, through its Legislature, consent thereto.

By an act of the Legislature of Nevada, approved on the first day of March last, it is provided that "Whenever by consent of Congress, additional territory shall be added to the state of Nevada on its eastern or southern border, or both, then, until further provided by law, all such added territory, lying east of Lander county shall be a part of said Lander county. And all such part of added territory, lying south or east, or both, of Nye county, shall be a part of said Nye county."

It is claimed by some, that by this act the territory mentioned in the act of Congress, which embraces important parts of our counties of Pah-Ute and Mohave, lying south of said Nye county, already fully belongs to Nevada, and is therefore beyond our jurisdiction.

While the boundaries of Nevada are fixed by the constitution of that State, and an amendment thereto rather than a simple enactment of the Legislature, would seem needed to change them; and the act of Congress appears to demand subsequent specific, rather than previous indefinite action on the part of the State, in accepting the tract mentioned, it is sufficient for me to say, that at the date of my proclamation, ordering the general election to be held, I had no official information from any source regarding the settling off of this part of the Territory by Congress, or of its acceptance by Nevada, and that to this day I have none.

If in your wisdom you think this division of the Territory not yet consummated you will, I doubt not, use your influence to prevent it, as a movement highly detrimental to the interests of our citizens living in Pah-Ute and Mohave counties (against which their unanimous protest will be presented to your honorable bodies) and calculated to deprive us of a large extent of valuable mining and agricultural lands, because a natural geographical relation to Nevada, and a most unnatural one to Nevada.

### The Apache.

The conflict with the Apache continues and will continue, I fear, until we are supplied with troops better suited to the climate, or the product of our mines, such as to attract a large population, and so induce us to crowd him from the scenes of action. I am satisfied that the Department, under (Major General Mc) will, upon actual observation, have a good knowledge of the Territory, is sincerely anxious to afford every assistance in his power, and that the commander of the District (Colonel) is ac-

quainted by the same spirit. In a recent letter the former says: "You have in Arizona the bulk of the troops which the Government has placed at my disposal. If the number is insufficient, and the kind not such as you may think the most suited to success, it is a matter over which I have no control." Believing this to be the fact I have not been disposed to make complaint of the inadequacy of the force now in the Territory at San Francisco, but at Washington. On the first of June last, having from the excellent service rendered by our native volunteers, become entirely satisfied of their peculiar adaptation to the work of hunting and punishing the Apache, I wrote to the Secretary of War, in warm endorsement of the memorial of the last Assembly, asking their retention in the service, and authority to recruit a full regiment. I have but lately received his reply, the substance of which is this report of General Grant, to whom the letter was referred: "I know of no law under which this regiment could be raised, and special legislation would be necessary to provide for its equipment, subsistence and payment."

Our Delegate proposed an amendment to the new army bill, whereby the companies, already in the service, should be retained. But Congress was unwilling to legislate for a particular case, and the time of those companies having expired, they are already mustered out of the service.

I am confirmed in the opinion that it is idle to talk to the Apache of reservations while he feels any security for life or property outside of them. He must be persistently followed and fought until he has no more peace, and then placed upon a reservation remote from his old haunts, and from which escape is impossible. To welcome him at one foot and drive him from another; to feed him to-day and refuse him to-morrow; to make spasmodic rather than systematic campaigns against him; to fight him with troops ignorant of his country, and who have no heart in the work, however good the intent, is but to put the government to great expense for no adequate return.

Whatever increase may be made in the military force in the Territory, and however zealous and intelligent those in command may be, I have little faith in any marked or substantial success in the subjugation of the Apache until authority is given to employ the right material and in sufficient strength to maintain concerted, continuous and harassing movements against him from many points in the Territory; a systematic and unintermitting aggressive war. On the score of economy the policy of employing native volunteers, in view of their easy subsistence, is especially worthy the consideration of the Government. As asserted in my letter to the Secretary of War, it is my belief that the cost of raising and maintaining ten companies of them (in action) for a year, would not exceed that incurred in transferring a regiment from the east to the Territory.

In this connection I would suggest that in view of the service rendered by the volunteers during the past year, they having killed and captured more Apaches than all the other troops in the Territory within the same time, your hearty thanks, as the representatives of the people, be formally tendered to both officers and men; and I sincerely regret that the condition of the Territorial treasury will not warrant you in making a more substantial recognition of their efficiency, in the shape of bounty or extra pay.

### Other Indians.

Within a few months past the Wallapais and Pah-Utes have behaved badly and there is ground for apprehension that unless promptly and severely dealt with they will seriously annoy the residents of Mohave and Pah-Ute counties, and interrupt travel upon several of our most important roads. From the small number of troops in the Territory and the necessity of immediate self protection you will be asked to authorize the raising of bands of rangers or minute men in those counties (and perhaps in others) for service when needed, and to issue Territorial scrip as a compensation for their time, which scrip they will hope to have redeemed by the general government at a future day. The Moquis have within a few months sent two delegations to Prescott, and if encouraged I think they would like to remove from their sterile and remote country to Tonto Basin, or in that vicinity. The Pimas and Maricopas enlisted as volunteers having had a number of successful engagements with the Apaches, under a law of Congress authorizing the employment of Indian scouts the General commanding the Department has directed that seventy-five of the best of them be enlisted to operate from Fort McDowell or Fort Grant. He has also directed the enlistment of twenty of the Papagos. The Mohaves and Chimchuevis have been at variance during the year but the former have maintained their friendly relations to the whites. Lately some of the Yavapais and other so-called friendly Indians living in and around La Paz, have been detected in hostile movements in this part of the Territory, and severely punished. They have long been suspected, and it is to be hoped that whenever caught they will be handled as roughly as they recently were at Skull Valley. The Superintendent claims that the government does not make a sufficient appropriation to enable him to control these Indians, and the others under his charge. I am disposed to consider the policy adopted by the Indian Bureau, not only here but elsewhere, as an unwise one, and to believe with General Pope, who has lately written an able letter upon the subject, that "Indian treaties that leave the Indian free to wander at will, as he has always done, and which depend upon his word for their observance, are a monstrous and most expensive farce, alike expensive in money and in life."

The Indian appropriation bill, as it passed the United States Senate this year, contained a provision attaching the Indian Bureau to the War Department, but I have not learned that it was approved in the House of Representatives. I am inclined to the opinion that sooner or later this combination will be made, and that it will be a step in the right direction.

### Indian Children.

Your notice is called to the fact that either willfully or through ignorance, little if any attention is paid to the provision of chapter LVI of the Code, which requires any person

[CONCLUDED ON FOURTH PAGE.]